



Planning & Development
Department

LEGAL NON-CONFORMING



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Planning & Development Department

APPLICANT'S GUIDE TO A LEGAL NONCONFORMING USE SUBMITTAL



APPLICATIONS MUST BE ENTIRELY COMPLETED AT TIME OF SUBMITTAL AND ACCOMPANIED BY THE FOLLOWING:

1. A site/plot plan (seven copies). Include vicinity map.
 - Label and provide all property line dimensions, show all structures, existing and proposed on permit application, label existing use. Indicate setbacks from property lines and distances between buildings.
 - Include a north arrow and scale. The scale must allow the dimensions represented to be verified.
 - Show all building dimensions.
 - Show and label all easements (i.e., drainage, ingress/egress, public utility easements, etc.)
 - Indicate dedicated street access and names. Include existing and proposed items within road right-of-way.
 - Label the following: alignment of washes, slope and general elevation changes, vegetation, and type of driveway material (driveway must be paved or in the alternative surface with aggregate based crushed material).
 - Storage tanks (above or below ground) are considered accessory structures and must be depicted on site plans. Propane tanks 250 gallons or larger may be subject to Fire Marshall approval.
 - Single-family residences that require detailed technical/engineering review (hillside lots) are required to be sealed by an appropriate professional, registered in the State of Arizona.
 - Hillside requirements are mandated if construction/grading site has a portion of land with a slope of 15% or greater.
 - All applicable stipulations related to a Board of Adjustment or zoning case will have to be completed prior to building permit issuance.
2. A recorded deed/proof of ownership is required (one of the items listed below):
 - Warranty Deed, Special Warranty Deed, Grant Deed, Joint Tenancy Deed, Quit Claim Deed, Gift Deed, Guardians Deed, Sheriff's Deed, Correction Deed, Agreement of Sale Deed, Pay Off Deed (for an agreement of sale), Treasurer's Deed, Civil Judgment (Conveying Property), Deed of Distribution (Probate), Land Patent, Certificate of Purchase (like an agreement of sale before patent issued), Trustee's Deed, Affidavit for Transfer of Real Property, or other suitable evidence as may be approved by the Planning and Development Department.
3. A completed Supplemental Information form is required.
4. The burden of proof is on the owner/applicant to provide adequate verifiable documentation of the claim involving a legal nonconforming status. One or more of the following are acceptable examples:
 - An original copy indicating flight data of an aerial photograph showing the structure or activity prior to May 29, 1969, or other effective date of the zoning ordinance that applies.



Planning & Development Department

APPLICANT'S GUIDE TO A LEGAL NONCONFORMING USE SUBMITTAL



- Previous permit(s) with all necessary information.
 - Documentation from the Assessor's Office, Recorder's Office, utility company, or other official entity, and two notarized Affidavits of Nonconforming Use (sample attached).
5. A Patent Easement Deed (when applicable) may be acquired at the Bureau of Land Management, 1 N. Central, Phoenix, (602) 417-9200, located at the northeast corner of Washington and Central Avenue.
6. Correct Assessor parcel numbers are critical for the review process. Incorrect Assessor parcel numbers may cause additional review time and additional office visits.

The following agencies may require additional information:	
Maricopa County Flood Control District Regulatory Division 2801 W. Durango Street Phoenix, AZ 85009 (602) 506-1501	Maricopa County Department of Transportation Engineering Division 2901 W. Durango Street Phoenix, AZ 85009 (602) 506-8600
Other Contact Information	
Blue Stake (locates underground utilities)	(602) 263-1100
Building Code Information	(602) 506-7147
Building and Drainage Inspections	(602) 506-3692
Registrar of Contractors	(602) 542-1502
Maricopa County Assessor's Office	(602) 506-3406
Maricopa County Zoning Information	(602) 506-3201
Notes:	



Planning & Development Department

REGULATIONS THAT GOVERN NONCONFORMING USES



Maricopa County Zoning Ordinance, Chapter 13, Section 1305, Nonconforming Uses

Article 1305.1. Continuing Existing Uses:

"Any use of land, building or structure, lawfully existing at the time this Ordinance or amendments thereto became effective, may be continued even though such use does not conform with the regulations of this Ordinance or amendments thereto for the zoning district in which it is located."

Article 1305.2. Discontinuance of Nonconforming Uses:

Article 1305.2.1.

"In the event that a nonconforming use of land, building or structure is discontinued for a period of 12 consecutive months, any future use thereof shall be in conformity with the regulations of this ordinance."

Article 1305.2.2.

"In the event that a nonconforming use of land, building or structure is destroyed by fire, explosion, act of god or act of public enemy to the extent of 75 percent of its value, according to the appraisal thereof by competent appraisers, then and without further action by the Board of Supervisors, the future use thereof shall from and after the date of such destruction, be subject to all the regulations of this ordinance or amendments thereto for the zoning district in which such future use is located."

Article 1305.3. Expansion of a Nonconforming Use

"A nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration and further use of such property conform with the regulations of this ordinance for the zoning district in which such property is located, except that a nonconforming business use may expand if such expansion does not exceed 100 percent of the floor area of the original business."

Article 1305.4. Change of Nonconforming Use

"If no structural alterations are made, any nonconforming uses of land, building or structure may be changed to another nonconforming use provided the proposed use is of the same or more restricted classification as evidenced by a finding and resolution of record by the Board of Adjustment having jurisdiction."



Planning & Development
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CONTACT SUPPLEMENTAL



Complete applicable sections below.

TRACKING NUMBER:

LICENSED CONTRACTOR VERIFICATION

Verify that you are a licensed contractor under ARS Title 32, Chapter 10, Article 2 by providing information below.

LICENSE NUMBER AND CLASS:	NUMBER	CLASS	TRUST ACCOUNT NUMBER:	
TYPE OF LICENSE: Check one:	Architect <input type="checkbox"/>	Contractor <input type="checkbox"/>	Developer <input type="checkbox"/>	Engineer <input type="checkbox"/>
COMPANY NAME:				
STREET ADDRESS:				
CITY/STATE/ZIP:				
MAILING ADDRESS: (If different from above)				
CITY/STATE/ZIP:				
CONTACT PERSON 1:		TITLE:		
PHONE NUMBER: ()		ALTERNATE PHONE: ()		
CONTACT PERSON 2:		TITLE:		
PHONE NUMBER: ()		ALTERNATE PHONE: ()		
FAX NUMBER: ()		E-MAIL:		

AGENT/CONTACT INFORMATION

BUSINESS NAME:	
ADDRESS:	
CONTACT PERSON 1:	TITLE:
PHONE NUMBER: ()	ALTERNATE PHONE: ()
CONTACT PERSON 2:	
PHONE NUMBER: ()	ALTERNATE PHONE: ()
FAX NUMBER: ()	E-MAIL:



Planning & Development
Department

LEGAL NONCONFORMING USE
AFFIDAVIT SAMPLE



Maricopa County
Planning & Development
501 North 44th St., Suite 200
Phoenix, AZ 85008

Reference: **123 Sample Road, Sample City, AZ 85000**
Assessor's Parcel Number: **123-45-678**

To Whom It May Concern:

I hereby certify the referenced property's existing use as a **LANDSCAPING BUSINESS** was established prior to May 29, 1969, the effective date of the Maricopa County Zoning Ordinance. The use has been continued without an interruption that exceeded 12 consecutive months. I have personal knowledge of this property because; **I HAVE LIVED IN THE AREA SINCE 1959 AND PASS BY IT FOUR OR FIVE TIMES A WEEK.**

Name: **Joe Smith**
Signature: ***Joe Smith***
Address: **40 Example Road, Sample City, AZ**
Date: **May 22, 2003**

SUBSCRIBED AND SWORN before me this _____ of _____, _____.

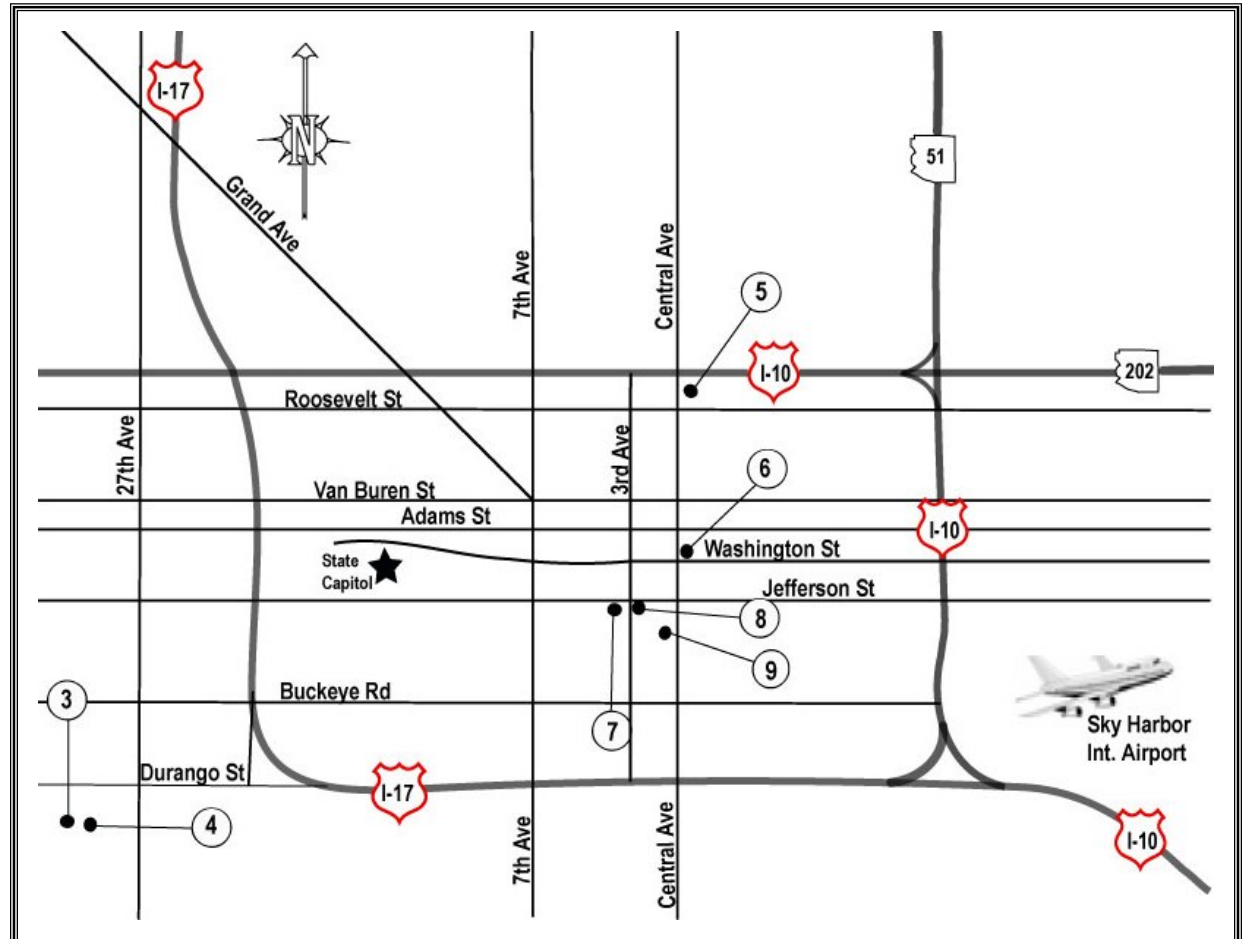
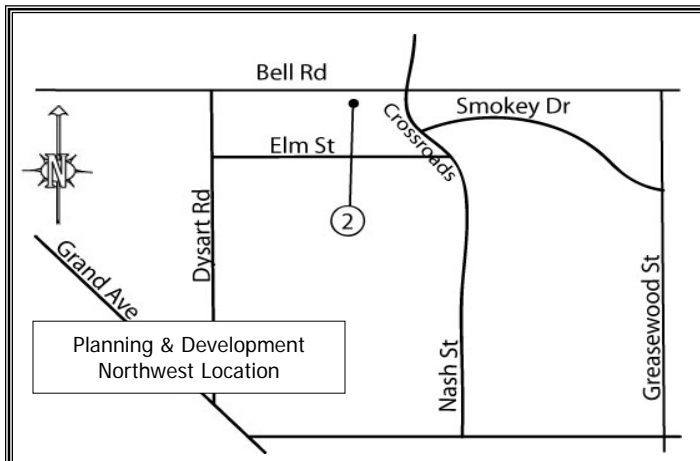
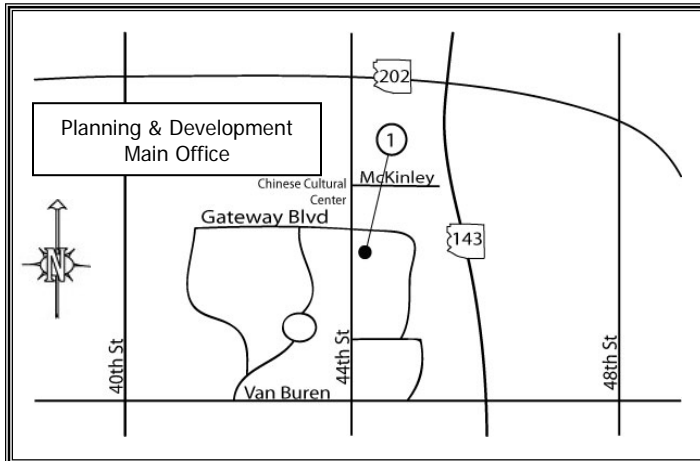
Notary Public

My Commission Expires: _____



Planning & Development Department

PERMITS FACILITIES DIRECTORY



- | | |
|---|---------------------|
| 1.) Planning & Development | (602) 506-3301 |
| 501 N. 44 th St, Suite 200 | Fax: (602) 506-3601 |
| 2.) Planning & Dev N.W. Office | (623) 875-1361 |
| 12975 W. Bell Rd. | Fax: (623) 583-7143 |
| 3.) Department of Transportation | (602) 506-8600 |
| 2901 W. Durango St. | |

- | | |
|-----------------------------------|----------------|
| 4.) Flood Control District | (602) 506-1501 |
| 2801 W. Durango St. | |
| 5.) Environmental Services | (602) 506-6666 |
| 1001 N. Central Ave | |
| 6.) B.L.M. | (602) 417-9200 |
| 1 N. Central Ave | |

- | | |
|------------------------------|----------------|
| 7.) Assessor's Office | (602) 506-3406 |
| 301 W. Jefferson St. | |
| 8.) Recorder's Office | (602) 506-3535 |
| 111 S. 3 rd Ave | |
| 9.) Sheriff's Office | (602) 256-1070 |
| 201 W. Jefferson St. | |
| (Records & ID) | |